HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.14775 of 2006

Between:

Aleti Anand S/o Jangaiah, Occ: Agriculture
R/o Shamshabad, Ranga Reddy District

…Petitioner

A n d

Government of A.P rep. by its Secretary, Panchayat Raj
Secretariat, Hyderabad and others

…Respondents

:: **O R D E R** ::

Counsel for the Petitioner : Sri Ramesh Yadav Ayelaboyena

Counsel for the Respondents1& 3 to 5 : Government Pleader for
Panchayat Raj

Counsel for respondent No.2 : Sri V.V.Prabhakara Rao

Counsel for respondent No.6 : Sri R.Prem Sagar

01st August, 2006

Per G.S.Singhvi, C.J

In this petition, the petitioner has prayed for grant of a declaration that the action of the respondents to hold election for Shamshabad Gram Panchayat without reserving any ward for Scheduled Tribe is violative of the Andhra Pradesh Panchayat Raj (Reservation of Seats of Ward Members and Office of Sarpanchas of Gram Panchayat) Rules, 1994. He has also prayed for issue of a writ of prohibition to the respondents from holding election without making reservation as per the rules.

In the counter-affidavit filed by Shri M. Ravinder Reddy, Revenue Divisional Officer, Chevella, Ranga Reddy District, it has been averred that reservation of the office of Sarpanch and Ward Members have been made in accordance with the provisions of the Andhra Pradesh Panchayat Raj (Reservation of Seats and Officers of Gram Panchayats, Mandal Parishads and Zilla Parishads) Rules, 2006. In para 3 of his affidavit, Shri M. Ravinder Reddy has averred that during the second ordinary elections held for Gram Panchayat, Shamshabad in August 2001, one ward member's seat was reserved for Scheduled Tribe on the basis of 1991 Census population and reservation in the current election has been made strictly in accordance with the rules framed under Section 268 of the Andhra Pradesh Panchayat Raj Act, 1994, which were notified vide G.O.Ms.No.220 dated 25-5-2006. Along with the counter-affidavit, the respondents have annexed typed/Xerox copies of the Ranga Reddy District Gazette (Extra-

ordinary) dated 3-7-2006 containing the schedule of reservation of the offices of Sarpanchas and Ward Members of the Gram Panchayats of Ranga Reddy District and the details of Census population.

We have heard learned counsel for the parties. In our opinion, it is not necessary to adjudicate on the tenability of the prayer made by the petitioner because any adjudication on the legality of the reservation of the offices of Sarpanchas would directly effect the candidature of those who have been found eligible to contest the election and none of them have been impleaded as parties to the writ petition. In our considered view, without hearing the persons likely to be affected by adjudication of the writ petition, this Court cannot annul the election notification.

With the above observations, the writ petition is dismissed. However, we make it clear that this order shall not preclude the petitioner from challenging the result of the election by filing appropriate petition under Section 233 of the Andhra Pradesh Gram Panchayat Act, 1994. In such a petition, petitioner shall be entitled to question the non-reservation of any seat (Ward) for Schedule Tribe candidates.

As a sequel to dismissal of the main petition, W.P.M.P.No.18421 of 2006 filed by the petitioner is disposed of as infructuous.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

01st August 2006
RAR/svs